



3. Upon information and belief, DELL, INC. (“DELL”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 1 Dell Way, Round Rock, Texas. DELL may be served with process by serving its registered agent, Corporation Service Company located at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, TX.

4. Upon information and belief HEWLETT-PACKARD COMPANY (“HP”) is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 3000 Hanover Street, Palo Alto, CA. HP may be served with process by serving its registered agent, CT Corporation System located at 350 North St. Paul Street, Suite 2900, Dallas, TX.

5. Upon information and belief, PHILIPS & LITE-ON DIGITAL SOLUTIONS CORPORATION (“PLDS”) is a corporation organized and existing under the laws of Taiwan, with a principal place of business at 16F, 392, Ruey Kuang Road, Neihu, Taipei, 114, Taiwan. Defendant PLDS engages in business in the State of Texas but, upon information and belief, does not maintain a regular place of business in the State or a designated agent for service of process. Therefore, pursuant to § 17.044 of the Tex. Civ. Prac. & Rem. Code, Defendant PLDS has designated the Secretary of State as its agent for service of process and may be served with process through its counsel or by serving the Secretary of State. The Secretary of State may forward service to Defendant PLDS at its home office address located at 16F, 392, Ruey Kuang Road, Neihu, Taipei, 114, Taiwan.

## **II. JURISDICTION AND VENUE**

6. This is an action for patent infringement arising under the patent laws of the United States, Title 35 United States Code. This Court has exclusive subject matter jurisdiction over this case for patent infringement under 28 U.S.C. §1338(a).

7. Plaintiff is a Texas Limited Liability Company, and maintains its principal place of business in Fort Worth, Texas.

8. Upon information and belief, Defendants have minimum contacts within the State of Texas and within the Tyler Division of the Eastern District of Texas such that this venue is a fair and reasonable one.

9. Defendants have committed such purposeful acts and/or transactions in Texas that it reasonably knew and/or expected that it could be haled into a court as a future consequence of such activity.

10. Upon information and belief, Defendants have regularly transacted or solicited and, at the time of the filing of this Complaint, is transacting and soliciting business within the Tyler Division of the Eastern District of Texas and elsewhere in Texas.

11. Upon information and belief, Defendants engage in other persistent courses of conduct and derives substantial revenue from products provided to individuals within the Tyler Division of the Eastern District of Texas and elsewhere in Texas.

12. Upon information and belief, Defendants have committed acts of patent infringement within the Tyler Division of the Eastern District of Texas and elsewhere in Texas.

13. For these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b) and (c) and 28 U.S.C. § 1400(b).

### **III. PATENT INFRINGEMENT**

14. On March 5, 2013, United States Patent No. RE44,044 (“the ’044 Patent” or “Patent-In-Suit”) was duly and legally issued for a “HIGH CAPACITY COMPACT DISC PLAYER.” The ’044 Patent issued as a Reissued Patent of United States Patent No. 6,215,754 (the “’754 Patent”) for the unexpired term thereof. The application for the ’754 Patent was filed on Dec. 30, 1997, and the ’754 Patent issued on April 10, 2001. Pursuant to 35 U.S.C. § 251, the application for the ’044 Patent was filed on November 24, 2004 as a continuation of application No. 10/409/700, which was filed on April 9, 2003. A true and correct copy of the ’044 Patent is attached hereto as Exhibit “A” and made a part hereof.

15. Plaintiff is the owner of all right, title and interest of the Patent-in-Suit, including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Plaintiff possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Defendants.

16. Upon information and belief, Defendants manufacture, make, have made, use, practice, import, provide, supply, distribute, sell and/or offer for sale products and/or systems that infringe one or more claims in the Patent-in-Suit.

17. Specifically, Defendant ASUS has infringed and continues to infringe at least independent Claim 34 and dependent claims 35 and 37 of the ’044 Patent, by its manufacture, use, sale, importation, and/or offer for sale of computers that include disc drives manufactured by Philips & Lite-On Digital Solutions Corporation (“PLDS”).

18. Upon information and belief, the Defendant Asus’ personal computers, notebooks, and laptops that include the PLDS disc drives include, without limitation:

<b>ASUS Computer</b>	<b>PLDS Disc Drive</b>
ET2701INKI	PLDS/DS-8A8SH (Part #: 1760100010400)
	PLDS/DS-6E2SH (Part # 17G161132102)
ET2410IUTS	PLDS/DS-8A5SH (Part # 17G14113440C)
ET2411INKI	PLDS/DS-8A8SH (Part #: 1760100010400)
	PLDS/DS-6E2SH (Part # 17G161132102)
ET2411IUKI	PLDS/DS-8A8SH (Part #: 1760100010400)
	PLDS/DS-6E2SH (Part # 17G161132102)
ET2411IUTI	PLDS/DS-8A8SH (Part #: 1760100010400)
	PLDS/DS-6E2SH (Part # 17G161132102)
ET2210IUTS	PLDS/DS-8A5SH (Part # 17G14113440C)
CM6870	PLDS/DH-24ACSH (Part #: 1760000020000)
	PLDS/DH-24ABS (Part #: 17G141148000DP)
Essentio CM6730	PLDS/DH-24ACSH (Part #: 1760000020000)
	PLDS/DH-24ABS (Part #: 17G141148000DP)

<b>ASUS Computer</b>	<b>PLDS Disc Drive</b>
Essentio CM6830	PLDS/DH-24ACSH (Part #: 1760000020000)
	PLDS/DH-24ABS (Part #: 17G141148000DP)
CP6230	PLDS/DH-24ACSH (Part #: 1760000020000)
	PLDS/DH-24ABS (Part #: 17G141148000DP)
BT6130	PLDS/DS-8A8SH (Part #: 1760100010400)
BM6875	PLDS/DH-24ACSH (Part #: 1760000020000)
BP6320	PLDS/DH-24ACSH (Part #: 1760000020000)
BP6375	PLDS/DH-24ACSH (Part #: 1760000020000)
BP6230	PLDS/DH-24ACSH (Part #: 1760000020000)
N76VZ	PLDS/DS-8A8SH (Part #: 1760100010400)
	PLDS/DS-6E2SH (Part # 17G161132102)
N56DP	PLDS/DS-8A8SH (Part #: 1760100010400)
	PLDS/DS-6E2SH (Part # 17G161132102)
N56VM	PLDS/DS-6E2SH (Part # 17G161132102)

<b>ASUS Computer</b>	<b>PLDS Disc Drive</b>
N56VZ	PLDS/DS-8A8SH (Part #: 1760100010400)
	PLDS/DS-6E2SH (Part # 17G161132102)
G55VW	PLDS/DS-8A8SH (Part #: 1760100010400)
	PLDS/DS-6E2SH (Part # 17G161132102)
G75VW	PLDS/DS-8A8SH (Part #: 1760100010400)
	PLDS/DS-6E2SH (Part # 17G161132102)
X75A	PLDS/DS-8A8SH (Part #: 1760100010400)
K55A	PLDS/DS-8A8SH (Part #: 1760100010400)
	PLDS/DS-6E2SH (Part # 17G161132102)
K55VD	PLDS/DS-8A8SH (Part #: 1760100010400)
K55VM	PLDS/DS-8A8SH (Part #: 1760100010400)
K53E	PLDS/DS-4E1S (Part#: 17G161114104 )
	PLDS/DS-6E2SH (Part # 17G161132102)
K53SD	PLDS/DS-6E2SH (Part # 17G161132102)

<b>ASUS Computer</b>	<b>PLDS Disc Drive</b>
K53U	PLDS/DS-8A8SH (Part #: 1760100010200)
	PLDS/DS-4E1S (Part # 17G161114104)
	PLDS/DS-6E2SH (Part # 17G161132102)
	PLDS/DS-8A5SH (Part # 17G14113440C)
ASUSPRO ADVANCED B53S	PLDS/DS-8A5SH (Part # 17G14113440C)
ASUSPRO ESSENTIAL P43E	PLDS/DS-8A5SH (Part # 17G14113440C)
ASUSPRO ESSENTIAL P53E	PLDS/DS-8A5SH (Part # 17G14113440C)

19. Specifically, Defendant DELL has infringed and continues to infringe at least independent Claim 34 and dependent claims 35 and 37 of the '044 Patent, by its manufacture, use, sale, importation, and/or offer for sale of computers that include disc drives manufactured by PLDS.

20. Upon information and belief, the DELL personal computers, notebooks, and laptops that include the PLDS disc drives include, without limitation:

<b>DELL Computer</b>	<b>PLDS Disc Drive</b>
Inspiron 660	PLDS DVD+/-RW DH-16ACS H



Inspiron 660s	PLDS DVD+/-RW DH-16ACS H
XPS 8500	PLDS DVD+/-RW DH-16ACS H
XPS 8500 Special Edition	PLDS DH-12E3SH
Alienware X51	PLDS DVD+- RW DL-8A4SH ATA Drive
Alienware Aurora	PLDS DH-12E3SH 12X HH SATA Trayload DVDRWBD-ROM
	PLDS DH-16A6S SATA HH DVDRW
	PLDS DH-6E2S 6X HH SATA Trayload DVDRWBD-ROM
	PLDS DH-8B2SH SATA HH 8X BD-RE
New Inspiron 15R	PLDS DS-6E2SH 12.7 Tray BD-Combo
New Inspiron 17R	PLDS DS-6E2SH 12.7 Tray BD-Combo
New Inspiron 14R	PLDS DS-8A5SH 12.7 SATA Trayload DVDRW
	PLDS DS-6E2SH 12.7 Tray BD-Combo
	PLDS DS-4E1S 12.7 Tray BD-Combo
New Inspiron 15	PLDS DS-8A5SH 12.7 SATA Trayload DVDRW
New Inspiron 17	PLDS DS-8A5SH 12.7 SATA Trayload DVDRW

	PLDS DS-6E2SH 12.7 Tray BD-Combo
	PLDS DS-4E1S 12.7 Tray BD-Combo
Inspiron 14z Ultrabook	PLDS DS-8A4S 12.7 SATA Trayload DVDRW
Inspiron 15z Ultrabook	PLDS DS-8A4S 12.7 SATA Trayload DVDRW
XPS 14 Ultrabook	PLDS DU-8A3S
New Inspiron 17R Special Edition	PLDS DS-6E2SH 12.7 Tray BD-Combo
XPS 15	PLDS DS-8A5SH 12.7 SATA Trayload DVDRW
	PLDS DS-6E2SH 12.7 Tray BD-Combo
Latitude E5430	PLDS DS-8D3SH 8X 12.7 SATA Trayload DVD
Latitude E5530	PLDS DS-8D3SH 8X 12.7 SATA Trayload DVD
Vostro 3460	PLDS DS-6E2SH 12.7 Tray BD-Combo
Vostro 3560	PLDS DS-6E2SH 12.7 Tray BD-Combo
Optiplex 3010	PLDS DS-6E2SH 12.7 Tray BD-Combo
Precision T5600	PLDS DS-8D3SH 8X 12.7 SATA Trayload DVD
Precision T7600	PLDS DS-8D3SH 8X 12.7 SATA Trayload DVD

Inspiron 660 mini tower	PLDS DVD+/-RW DH-16ACS
Inspiron 15R Special Edition	PLDS DS-6E2SH 12.7 Tray BD-Combo

21. Specifically, Defendant HP has infringed and continues to infringe at least independent Claim 34 and dependent claims 35 and 37 of the '044 Patent, by its manufacture, use, sale, importation, and/or offer for sale of computers that include disc drives manufactured by PLDS.

22. Upon information and belief, the Defendant's personal computers, notebooks, and laptops that include the PLDS disc drives include, without limitation:

<b>HP Computer</b>	<b>PLDS Disc Drive</b>
HP 2000-2b20NR Notebook PC	PLDS DS-8A8SH
HP ENVY dv7-7212nr Notebook PC	PLDS DS-8A8SH
HP Pavilion dv6t-7000 CTO Entertainment Notebook PC	PLDS DS-8A8SH
HP ENVY dv6-7214nr Notebook PC	PLDS DS-8A8SH
HP Pavilion g6t-2000 Notebook PC	PLDS DS-8A8SH
HP Pavilion g6t-2300 Select Edition Notebook PC	PLDS DS-8A8SH
HP ENVY dv7-7250us Notebook PC	PLDS DS-8A8SH
HP ENVY dv6-7220us Notebook PC	PLDS DS-8A8SH

<b>HP Computer</b>	<b>PLDS Disc Drive</b>
HP Pavilion dv6t-7000 Quad Edition Entertainment Notebook PC	PLDS DS-8A8SH
HP Pavilion dv7t-7000 Quad Edition Entertainment Notebook PC	PLDS DS-8A8SH
HP ENVY dv6z-7200 Notebook PC	PLDS DS-8A8SH
HP ENVY dv4t-5200 Notebook PC	PLDS DS-8A8SH
HP ENVY dv6-7210us Notebook PC	PLDS DS-8A8SH
HP Pavilion g7z-2200 Notebook PC	PLDS DS-8A8SH
HP Pavilion g6z-2200 Notebook PC	PLDS DS-8A8SH
HP ENVY dv7-7230us Notebook PC	PLDS DS-8A8SH
HP Pavilion g6-2260us Notebook PC	PLDS DS-8A8SH

23. Once the disc drives are included in computers manufactured by ASUS, Dell, and HP, the systems, as sold by ASUS, Dell, and HP respectively include a processor, software, and memory of the personal computer and comprise a “single read and write CD drive, which receives and reads a CD having audio data recorded thereon,” as well as compression circuitry for Mpeg Layer-3 compression, and a mass memory device sufficient to store data read from a CD, and provide the stored and compressed data to a recordable CD.

24. Specifically, Defendant PLDS has infringed and continues to infringe at least independent Claim 34 of the '044 Patent, by its manufacture, use, sale, importation, and/or offer for sale of the PLDS PX-B310U, the LITE-ON eHBU312, and the drives listed above with respect to Defendants Dell, HP, and ASUS.

25. Defendant PLDS infringes under at least 35 U.S.C. § 271(b), (c) & (f). Defendant PLDS has knowledge of the patent-in-suit at least as early as the filing of this lawsuit, and is thus on notice of its infringement, as well as knowledge that the disc drives that it supplies to Dell, HP, and ASUS are especially made and/or especially adapted for use in an infringement of the patent-in-suit, that the disc drives listed above, as well as others, are not a staple article or commodity of commerce suitable for substantial non-infringing use.

26. Defendant PLDS supplies or causes to be supplied in the United States at least the disc drives listed above with respect to Dell, HP, and ASUS. The supply is performed in such a manner as to actively induce the combination of such components either inside or outside the United States.

27. Defendant PLDS supplies or causes to be supplied in or from the United States the disc drives listed above with respect to Dell, HP, and ASUS with knowledge that the disc drives are especially made and/or especially adapted for use in the invention, that the disc drives are not a staple article or commodity of commerce suitable for substantial non-infringing use, and with knowledge – at least as of the filing of this law suit – that such component will be combined outside of the United States in a manner that would infringe the patent-in-suit if such combination occurred within the United States.

28. Plaintiff has been irreparably damaged as a consequence of Defendants' infringement, for which there is no adequate remedy at law, and such damage will continue without the relief sought herein.

29. Plaintiff reserves the right to assert additional claims of the Patent-in-Suit.

#### **IV. JURY DEMAND**

Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

#### **V. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court find in its favor and against Defendants, and that the Court grant Plaintiff the following relief:

- a. Judgment that one or more claims of United States Patent No. RE44,044 has been infringed, either literally and/or under the doctrine of equivalents, by Defendants;
- b. Judgment that Defendants account for and pay to Plaintiff all damages to and costs incurred by Plaintiff because of Defendants' infringing activities and other conduct complained of herein;
- c. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein;
- d. That the Court declare this an exceptional case and award Plaintiff its reasonable attorney's fees and costs in accordance with 35 U.S.C. § 284; and
- e. That Plaintiff be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: March 28, 2014.

Respectfully submitted,

/s/ Decker A. Cammack  
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**ATTORNEYS FOR PLAINTIFF**